

July 18, 2022
AD 11
Court No.1
SG

WPA(P) 297 of 2022

Uttam Pramanik and another
vs.
The State of West Bengal and others

Mr. Bivek Jyoti Basu,
Mr. S.A. Joynal, Advocates

... for the petitioners

Mr. Jahar Lal De,
Mr. Supratim Dhar, Advocates

... for the State

Mr. Soumik Ganguli,
Mr. Sourat Nandy, Advocates

... for respondent Nos.10 to 16

Mr. Dipankar Mandal,
Mr. Abdul Aziz Mondal, Advocates

... for proforma respondent No.17

In this petition, the issue raised by petitioners is that the Deity 'Vishalakshmi Devi' having existence in temple at village Amtara, P.O. Jamdara, P.S. Jamalpur, District Purba Bardhaman is having certain agricultural land and the temple in question is a public temple but the agricultural land is being utilised and misused by private respondents for their own purpose instead of serving the Deity from the proceeds of the said land.

When the matter is taken up today, it is pointed out by learned counsel for petitioners that the representation dated 29.10.2019 has already been preferred to respondent No.4 i.e. the District Magistrate, Purba Bardhaman but no action on the said representation has been taken.

Learned counsel for the State has pointed out that private respondent No.17 had filed a suit which was dismissed in default and has submitted that the dispute is of civil nature.

Considering the grievance which has been raised by petitioners, we are of the opinion that at the first instance, the District Magistrate, Purba Bardhaman can duly look into the issue by giving the concerned parties an opportunity of hearing and if he finds that the dispute is of civil nature and the remedy is before the civil court then he will duly direct the parties accordingly. If he reaches to any other conclusion then we will be at liberty to pass an appropriate order in accordance with law.

Let this exercise be completed as expeditiously as possible, preferably within a period of 3 months from the date of receipt of a copy of this order.

Accordingly, the petition is disposed of.

Urgent certified copy of this order, if applied for, be given to the parties upon compliance of requisite formalities.

[Prakash Shrivastava, C.J.]

[Rajarshi Bharadwaj, J.]